

**PATENT**  
**Docket No. 395/35**

#6  
8/8  
8/4/0

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Gerard M. HOUSEY

Serial No.: 09/510,562

Filing Date: February 22, 2000

For: METHOD FOR SCREENING FOR PROTEIN INHIBITORS AND  
ACTIVATORS

Examiner: Saunders, David A.

Art Unit: 1643

Assistant Commissioner for Patents  
Washington, D.C. 20231

**TERMINAL DISCLAIMER**

07/14/2000 BFRISON 00000002 110600 09510562  
110.00 CH 01 FC:148

Sir:

ICT Pharmaceuticals, Inc., having its principal place of business at 3150 Livernois, Suite 115, Troy, Michigan 48063-5000, represents that it is the owner of the entire right, title, and interest in and to the above-identified application, Serial No. 09/510,562, filed February 22, 2000, for "METHOD FOR SCREENING FOR PROTEIN INHIBITORS AND ACTIVATORS", in the name of Gerard M. HOUSEY, as indicated by assignment filed in the United States Patent and Trademark Office via facsimile on July 12, 2000 (copies of faxed assignment and recordation cover sheet are attached hereto); and is the owner of the entire right, title, and interest in and to U.S. Patent No. 4,980,281 as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel No. 6714, Frame No. 0328; and is the owner of the entire right, title, and interest in and to U.S. Patent No. 5,266,464 as indicated by assignment filed in the United States Patent and Trademark Office on (copies of assignment and PTO communication evidencing ownership by ICT Pharmaceuticals, Inc. are attached hereto); and is the owner of the entire right, title, and interest in and to U.S. Patent No. 5,688,655 as indicated

by assignment duly recorded in the United States Patent and Trademark Office at Reel No. 6704, Frame No. 0617

ICT Pharmaceuticals, Inc. hereby disclaims, pursuant to 37 C.F.R. § 1.321, the terminal part of the statutory term of any patent granted on the above-identified application, Serial No. 09/510,562, which would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent Nos. 4,980,281; 5,266,464; and 5,688,655. ICT Pharmaceuticals, Inc. hereby agrees that any patent so granted on the above-identified application, Serial No. 09/510,562, shall be enforceable only for and during such period that it and U.S. Patent Nos. 4,980,281; 5,266,464; and 5,688,655 are commonly owned. This agreement runs with any patent granted on the above-identified application, Serial No. 09/510,562, and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, ICT Pharmaceuticals, Inc. does not disclaim the terminal part of any patent granted on the above-identified application Ser. No. 09/510,562 prior to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173, of U.S. Patent Nos. 4,980,281; 5,266,464; and 5,688,655, as presently shortened by any terminal disclaimer(s), in the event that any of such U.S. patents expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer.

The Commissioner is hereby authorized to charge the requisite fee, pursuant to 37 C.F.R. § 1.20(d), for filing this terminal disclaimer, or to credit any overpayment to Kenyon and Kenyon's Deposit Account No. 11-0600.

The undersigned is an attorney of record.

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

KENYON & KENYON

Dated: *July 12, 2000*

By: *Nat M. McCarthy* *Reg. No. 43,435*  
*for* Steven J. Lee  
Reg. No. 31,272

KENYON & KENYON  
1500 K. St N.W.  
Suite 700  
Washington, D.C. 20005-1257

Tel: 202-220-4200  
Fax: 202-220-4201  
Direct: 202-220-4263

FORM PTO-1595

(Rev. 6-93)

OMB No. 0651-0011 (exp. 4/94)

## RECORDATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

## PATENTS ONLY

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

GERARD M. HOUSEY

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3 Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other \_\_\_\_\_

Execution Date:

2. Name and address of receiving party(ies):

Name: ICT PHARMACEUTICALS, INC.

Internal Address:

Street Address: 3150 Livernois, Suite 115  
Troy, Michigan 48063-5000Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

B. Patent No.(s)

09,510,562

Additional numbers attached: ☐ Yes ☒ No5. Name and address of party to whom  
correspondence concerning document should be  
mailed:Neil M. McCarthy  
Kenyon & Kenyon  
1500 K Street, N.W.  
Washington, DC 200056. Total number of applications  
and patents involved: 1 1

7. Total fee (37 CFR 3.41).....\$40.00

☐ Enclosed☒ Authorized to be charged to deposit account

8. Deposit account number:

11-0600

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Neil M. McCarthy (Reg. #43,435)

Name of Person Signing

Signature

July 12, 2000

Date

Total number of pages comprising cover sheet: 3

OMB No. 0651-0011 (exp. 4/94)

FROM KENYON &amp; KENYON DC

(WED) 7.12'00 11.27/ST.11.26/NO. 4861508254 P 2

### ASSIGNMENT

WHEREAS, I, Gerard M. Housey, citizen of the United States, residing at 28520 Streamwood Lane, Southfield, Michigan 48034, have invented new and useful improvements in the METHOD FOR SCREENING FOR PROTEIN INHIBITORS AND ACTIVATORS, for which I made an application (hereinafter "APPLICATION") for Letters Patent of the United States; said APPLICATION having been given United States Ser. No. 09/510,562, filed February 22, 2000.

WHEREAS, ICT Pharmaceuticals, Inc. (hereinafter "ICT"), organized and existing under and by virtue of the laws of the State of Delaware, having a principal place of business at 3150 Livernois, Suite 115, Troy, Michigan 48083-0500, is desirous of acquiring the entire right, title and interest in and to the APPLICATION and the invention therein described and claimed and any Letters Patent that may be issued upon the APPLICATION or for the improvements therein contained

NOW, THEREFORE, for and in consideration of the equivalent sum of \$1.00 to me in hand paid, and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, I have sold, assigned and transferred and do hereby sell, assign and transfer unto ICT, its successors and assigns, the entire right, title and interest in and to the APPLICATION and the invention therein contained, including the right to apply for any Letters Patent in the United States of America and in any and all other applications for Letters Patent on said invention, in whatsoever countries, including all divisionals, renewal, substitute, continuation, continuation-in-part and convention applications based in whole or in part upon said inventions or upon said applications, and any and all Letters Patent that may issue thereon, in the United States of America and foreign countries, and any and all reissues, extensions, renewals, divisions, continuations or continuations-in-part of Letters Patent granted for said inventions or upon said applications, to the full end of the term or terms for which the Letters Patent may be issued, the same to be held and enjoyed by ICT, its successors and assigns, the same as it would have been held and enjoyed by me if this Assignment and sale had not been made, together with all claims for damages by reason of past infringement of said Letters Patent with the right to use for and collect the same for its own use and behalf or for the use and behalf of its heirs, executors, assigns or other legal representative.

I hereby retain only the right to be a party to any suit brought on the Letters Patent that may be issued.

And I hereby authorize and request the Commissioner of Patents and Trademarks to issue all such Letters Patent to ICT, its successors and assigns, in accordance with this instrument of Assignment.

I hereby represent and warrant that there are no rights and interests outstanding inconsistent with the rights and interests granted herein and that I will not execute any instruments or grant or transfer any rights or interests inconsistent therewith, and I bind myself, my heirs, executors, administrators and legal representatives, as the case may be, to execute and deliver to ICT, its successors and assigns, any further documents or instruments and do any and all further acts that may be deemed necessary by ICT, its successors and assigns, to transfer the title herein conveyed, or intended so to be and to enable such title to be recorded in the United States.

And I further covenant and agree, in consideration of the premises that I, my executors and administrators, will at any time upon request, communicate to ICT, its successors and assigns, any facts relating to the invention and improvements and the history thereof, known to me or my executors and administrators, and that I will testify as the same in any interference or other litigation when requested so to do by ICT, its successors and assigns.

IN TESTIMONY WHEREOF, I have hereunto set my hand on this 12<sup>th</sup> day of July, 2000.

  
Gerard M. Housey

TUE 7.11'00 14:13/ST 14:12/NO 4661474

FORM PTO-1585

## RECORDATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

## PATENTS ONLY

1-31-92

Tab settings

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof

## 1. Name of conveying party(ies):

Gerard M. Housey

Additional name(s) of conveying parties attached? ☐ Yes ☒ No

## 3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ OtherExecution date: December 30, 1990

## 2. Name and address of receiving party(ies):

Name: ICT Pharmaceuticals, Inc.Street Address: 2170 BroadwaySuite 100City: New York State: New York ZIP: 10024Additional name(s) & address(es) attached? ☐ Yes ☒ No

## 4. Application numbers or patent numbers.

If this document is being filed together with a new application, the execution date of the application is:

## A. Patent Applications

07/392,073, continuation-in-part of  
U.S. Patent No. 4,980,281

## B. Patent No.(s)

OCT 4 1993

OFFICE OF PETITIONS  
AND APPEALSAdditional Numbers attached? ☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Kenneth E. Madsen, Esq.  
Internal Address: KENYON & KENYONStreet Address: One BroadwayCity: New York State: New York ZIP: 100046. Total number of applications and patents involved: 17. Total fee (37 C.F.R. 3.41) ————— \$ 40.00☐ Enclosed☒ Authorized to be charged to deposit account

## 8. Deposit account number:

11-0600

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Kenneth E. Madsen (Reg. No. 20,721)

Name of Person Signing

Signature

Date

Total Number of pages including cover sheet, attachments and document: 5

OMB No. 0651-0011 (exp. 4/94)

Do not detach this portion

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks  
Box Assignments  
Washington DC 20231

Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed and completing and reviewing the sample cover sheet. Send comments, suggestions, or burden estimates to the U.S. Patent and Trademark Office, Office of Information Systems, PKC-1000C, Washington D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project (0805-0011), Washington, D.C. 20503

OFFICE OF THE COMPTROLLER OF THE CURRENCY	
DEPOSIT ACCOUNT NO.	
11	0600
ALL	INITIALS
581	40.00

Charge  
sent to  
finance

MAB

RECEIVED

OCT 6 1993

FROM  
TO

TUE) 7. 11' 00 14:13 ST 14 12 NO. 48514 72 4

## A S S I G N M E N T

WHEREAS, I, Gerard M. Housey, citizen of the United States, residing at 100 Haven Avenue, Apt. 7-E, New York, New York 10032, have invented new and useful improvements in the METHOD OF SCREENING FOR PROTEIN INHIBITORS AND ACTIVATORS, for which I made an application for Letters Patent of the United States; said application having been given USSN 154,206 and having issued as U.S. Patent No. 4,980,281 on December 25, 1990.

REF 6714 184320

WHEREAS, ICT PHARMACEUTICALS, INC., (hereinafter "ICT") organized and existing under and by virtue of the laws of <sup>State of Delaware</sup> ~~the United States of America~~, having an office at 2170 Broadway, Suite 100, New York, New York 10024, is desirous of acquiring the entire right, title and interest in and to the application and the invention therein described and claimed and any Letters Patent that may be issued upon the application or for the improvements therein contained.

NOW, THEREFORE, for and in consideration of the equivalent sum of \$2,000<sup>00</sup> to me in hand paid, and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, I have sold, assigned and transferred and do hereby sell, assign and transfer unto ICT, its successors and assigns, the entire right, title and interest in and to the application and the invention therein contained, including the right to apply for any Letters Patent in the United States of America and in any and all other applications for Letters Patent on said invention, in whatsoever countries, including all divisionals, renewal, substitute, continuation, continuation-in-part and convention applications based in whole or in part upon said inventions or upon said



application, and any and all Letters Patent that may issue thereon, in the United States of America and foreign countries, and any and all reissues, extensions, renewals, divisions, continuations or continuation-in-part of Letters Patent granted for said inventions or upon said application, to the full end of the term or terms for which the Letters Patent may be issued, the same to be held and enjoyed by ICT, its successors and assigns, the same as it would have been held and enjoyed by me if this Assignment and sale had not been made; together with all claims for damages by reason of past infringement of said Letters Patent with the right to use for and collect the same for its own use and behalf or for the use and behalf of its heirs, executors, assigns or other legal representative.

I hereby retain only the right to be a party to any suit brought on the subject patent(s) by ICT.

And I hereby authorize and request the Commissioner of Patents and Trademarks to issue all such Letters Patent to ICT, its successors and assigns, in accordance with this instrument of Assignment.

I hereby represent and warrant that there are no rights and interests outstanding inconsistent with the rights and interests granted herein and that I will not execute any instruments or grant or transfer any rights or interests inconsistent therewith, and I bind myself, my heirs, executors, administrators and legal representatives, as the case may be, to execute and deliver to ICT, its successors and assigns, any further documents or instruments and do any and all further acts that may be deemed necessary by ICT, its successors and assigns, to transfer the title herein conveyed, or intended so to be and to enable such title to be recorded in the United States.

JUL 11 1900 14:14

as if IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 30<sup>th</sup> day of December, 1998. 17

1997. <sup>0</sup>

*[Signature]*  
S. M. Housey

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100

REL 674, FRANK 331

OCT -4 93  
PATENT AND TRADEMARK  
OFFICE

FROM  
FROM

(WED) 7.12'00 13.47/ST. 13:43/NO. 3760365956 P 13

(TUE) 7.11'00 14.17/S. 14.12/NO. 4861417477 P 13



The stamp of the Patent Office hereon, may be taken  
as acknowledging the receipt, on the date stamped, of

Petition under 37 C.F.R. 3.81

Assignment

Assignment Form Recordation Sheet

Fee: To be charged to Dep. Acct. 11-0500

**RECEIVED**

Gerard M. Housey

Serial No. 07/392,073

Filed: August 10, 1989

**OCT 4 1993**

**OFFICE OF PETITIONS**

**170-11111**

395/3

10/1/93

KEM:mcw

(TUE) 7 1'00 14:17-ST. 14:12/NO. 48514'72'00 P 14

The stamp of the Patent Office hereon, may be taken  
as acknowledging the receipt, on the date stamped, of

Petition under 37 C.F.R. 3.81  
Assignment  
Assignment Form Recordation Sheet  
Fee: To be charged to Dep.Acct. 11-0600

Gerard M. Housey  
Serial No. 07/392,073  
Filed: August 10, 1989

J95/3

10/1/93

KEM:mcw

FROM

(TUE) 7.1 00 14.17/ST 14.12/NO 4861417477 P 15



U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

PETITION UNDER 37 C.F.R. §3.81

Docket Number:  
395/3-

Application Number  
07/392,073

Filing Date  
August  
10,  
1989

Exam No.  
C41

Examiner  
S. Rosen

Art Unit  
1802

Invention Title  
METHOD OF SCREENING FOR  
PROTEIN INHIBITORS AND  
ACTIVATORS

Inventor(s)  
Housey

Address to:  
Commissioner of Patents and Trademarks  
Washington D.C. 20231

SIR:

Applicant hereby petitions the Commissioner of Patent and Trademarks to have the above-identified patent application issue to the Assignee, ICT Pharmaceuticals, Inc., 2170 Broadway, New York, New York 10024. ICT Pharmaceuticals, Inc. is a corporation of the State of Delaware. The Assignment and the Assignment Form Recordation Sheet are being submitted herewith for recordation.

The issue fee was paid, and the patent will issue on November 30, 1993.

Please charge the 37 C.F.R. §1.17(i)(1) fee of \$130.00 to Deposit Account No. 11-0600. A copy of this Petition is enclosed for this purpose.

TUE 7.1'00 14.18/ST. 14.12/NO. 48614.72 P 16

Favorable consideration of this Petition is respectfully requested.

Dated: 1 October 1993

By:

  
Kenneth E. Madsen (Reg. No. 20,721)

**KENYON & KENYON**  
One Broadway  
New York, N.Y. 10004  
(212) 425-7200 (telephone)  
(212) 425-5288 (facsimile)

© Kenyon & Kenyon 1993

FROM

TUE: 7.12'00 14:16'87 14:12 NO 486147477 P 12



UNITED STATES DEPARTMENT OF COMMERCE  
 Patent and Trademark Office  
 ASSISTANT SECRETARY AND COMMISSIONER OF  
 PATENTS AND TRADEMARKS  
 Washington, D.C. 20231

kdb/kdb

Paper No. 25

Kenneth E. Madsen  
 Kenyon & Kenyon  
 One Broadway  
 New York, N.Y. 10004

COPY MAILED

OCT 15 1993

OFFICE OF PETITIONS  
 A/C PATENTS

ON PETITION

In re Application of  
 Gerard Housey  
 Serial No. 07/392,073  
 Filed: August 10, 1989  
 Attorney Docket No. 3690PCUS2

This is a decision on the petition under 37 CFR 3.01, filed October 4, 1993, for issuance of patent to assignee on a late assignment.

The petition is granted.

The assignment has been forwarded to the Assignment Branch to be processed.

The requested data will be printed on the patent if this can be accomplished without substantial disruption to the issue process. However, if the printing of the patent has progressed to the point where the requested data cannot be included in the printed patent, petitioner can request a Certificate of Correction.

The application is being forwarded to the Publishing Division to be processed into a patent.

*Karen D. Babington*

Karen D. Babington  
 Office of Petitions  
 Office of the Assistant Commissioner  
 for Patents

OCT 21 11 50 AM '93